

MINUTES OF THE MEETING OF THE BOARD OF MASSAGE THERAPY

December 5, 2014

These minutes were
approved by the Board on
February 13, 2015

1. ROLL CALL

The meeting of the Board of Massage Therapy was called to order by Adams-Johnson, Chairperson, at 9:31 a.m. in the Lower Level Conference Room F, Nebraska State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

Members Present: Kim Adams Johnson - Chairperson
 Brian Allison - Member
 Keli Hupka - Vice-Chairperson
 Adele Schmidt - Secretary

Others Present: Ed Vierk, Assistant Attorney General
 Dennis Scott, Investigator
 Duane Newland, Investigator
 Kris Chiles, Program Manager, Licensure Unit
 Nancy Herdman, Health Licensing Coordinator, Licensure Unit

2. ADOPTION OF AGENDA

MOTION: Hupka moved, seconded by Schmidt, to adopt the agenda. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Absent: None (0). Motion carried.

3. APPROVAL OF MINUTES (10-24-14)

MOTION: Hupka moved, seconded by Allison, to approve the minutes of October 24, 2014. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Hupka moved, seconded by Schmidt, to enter into closed session at 9:35 a.m. to hear discussions of an investigational/confidential nature for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Absent: None (0). Motion carried.

9:34 a.m. - Chiles departed meeting
9:47 a.m. - Chiles entered meeting
10:13 a.m. - Scott and Newland departed meeting

MOTION: Hupka moved, seconded by Schmidt, to enter into open session at 10:27 a.m. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Absent: None (0). Motion carried.

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

- Applications, Reinstatements, Out-of-State Training Programs

Cheyenne Wolfe

MOTION: Hupka moved, seconded by Schmidt, to recommend deferral of the application for additional information. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

Angela Carrender

MOTION: Hupka moved, seconded by Schmidt, to recommend issuance of a massage therapist license with no terms and conditions. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

Hollie Woodrum

MOTION: Hupka moved, seconded by Adams Johnson, to recommend issuance of a massage therapist license with no terms and conditions. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

Andrew Aughenbaugh

MOTION: Hupka moved, seconded by Allison, to recommend offering a 1-year probationary massage therapist license, to include the standard terms and conditions and the following: quarterly employer reports, body fluid screens, follow the evaluation. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

Moved to agenda item 8b.

8. NEW BUSINESS

b. Schedule 2015 Meeting Dates

The members agreed all meetings would start at 9:30 a.m. and on the following dates:

2-13-15
4-17-15
6-19-15
8-14-15
10-23-15
12-4-15

10:41 a.m. - 3 public individuals entered meeting
10:42 a.m. - Break
10:55 a.m. - Meeting resumed

6. INFORMATION RELATING TO HIGHER BRAIN LIVING – DR. COTTON

At their August 2014 meeting the Board issued an advisory opinion that Higher Brain Living (HBL) was massage therapy because it involved touch and manipulation of soft tissue. Dr. Cotton was at the meeting to address and present on that advisory opinion. Dr. Cotton commented that he did not think HBL was massage therapy. He stated that it was non-therapeutic and that no soft tissue was manipulated. He stated there was touch as points in the body which create a surge of energy into the prefrontal cortex of the brain resulting in movement of energy in the body. He commented this creates self-awareness for the person. Dr. Cotton stated there was a guidebook and the technique had been around for a decade with no litigation. He stated there were 240 trained facilitators and there had been no issue with other boards. He reiterated that it was a self-directed technique and non-therapeutic. Dr. Cotton stated there were other things taking place in Nebraska such as matrix energetics practice, emotional field therapy, neurolinguistic programming, quantum touch, and breathe work.

Adams Johnson expressed concern that the website said it was a touch process and touching fell under massage therapy. Dr. Cotton replied that there was touching but it was not aimed at treating or therapeutic. Adams Johnson asked what was the objective of HBL. He stated that touch brings awareness to the pathways of higher energy in the brain and the outcome was an increase in energy in the brain and positive outcomes for the client which creates client self-awareness. Chiles asked if it could be used for stress reduction and he replied that it would help as it helps people find the path to their own healthy living. Schmidt asked where HBL was conducted. Dr. Cotton responded they license their technique and a person

can practice where they want. Schmidt asked Dr. Cotton if touch was required to help the brain focus and he responded “yes.” Schmidt stated massage therapy had a defined scope which included a combination of touch and enhancing well being and the profession was licensed to protect the public. Schmidt expressed concern about deception when they say they license HBL practitioners. Dr. Cotton responded that they could call themselves certified. Hupka said they could not touch for well being, including a tap, as that was massage therapy. Chiles stated that it was past Director’s opinions that touch for well being, such as Reike, was massage therapy. Dr. Cotton responded that if they could not touch, then a lot of other people will be affected and stated again that HBL was not therapeutic and not doing soft tissue manipulation. Adams Johnson commented that there may be other groups doing massage that should not be but they had not been brought to the Board’s attention. She stated if the Board received complaints regarding these other groups, they would be looked at on a case by case basis. It was discussed that there were other licensed professions that can do massage therapy or touch because it is in their scope of practice such as nurses, chiropractors, etc. Chiles asked if HBL could be done without touch and Dr. Cotton replied not that he was aware of. Chiles asked if Dr. Cotton would be willing to provide written documents on HBL and he indicated he would. He was asked to provide the following information:

- A definition of HBL, details of the 22 sessions clients complete, and information on the type of touch involved.
- How does the customer find a HBL practitioner and what would it help them with.
- Since Dr. Cotton indicated they were re-designing the website, he was asked to provide the the new language.
- Information on the facilitator’s role and what they do.

Adams Johnson asked if they had a complaint process. Dr. Cotton responded that they never had a complaint from a client except there was a person in Minnesota who wanted their money back because they said HBL was not working.

Dr. Cotton said he would have the additional materials forwarded prior to either the February or April meeting. He was advised that the original advisory opinion stood but that the Board was willing to look at any additional information provided. He provided Chiles with a copy of the guidebook.

12:08 p.m. - Vierk departed meeting
12:14 p.m. - 3 public individuals departed meeting

7. UNFINISHED BUSINESS

a. Discussion Relating to Considering Auditing Existing School Curriculums for Compliance with Regulations and Audit Format

Chiles had distributed a draft document and asked what the members want to include on an audit document for schools. Schmidt asked when it would be used and stated she was more interested on what was on the last pages than the first few pages (sanitation). Chiles responded the first information related to sanitation and the rest covered other compliance areas. Adams Johnson said she was okay with all of it being included as it was a reminder to schools. Schmidt stated she would like more fill in answers to questions like who is the doctor. She read of list of suggestion that she had developed which she was thinking would be used at renewal. Chiles stated she would take Schmidt’s questions and use them to develop a draft renewal application for a school license and bring it back for further discussion. Chiles stated only questions that match what the Board has authority to monitor per statute and regulations could be included.

b. Other

Chiles reported she met with the chiropractic board on 11-13-14. They wanted to discuss massage therapy establishment requirements and the use of massage versus massage therapy. The chiropractic board indicated that they would encourage chiropractors to obtain a massage therapy establishment license. Hupka asked what if the massage therapist in the chiropractic office used a different establishment name

than the chiropractic establishment and it was discussed that it needed to be the chiropractic establishment name if the license was issued under such name.

8. NEW BUSINESS

a. Correspondence

There was nothing to report.

c. Other

There was nothing to report.

9. UPDATES AND REPORTS

a. Nebraska Chapter of AMTA

Adams Johnson reported they would be voting for officer positions on Sunday.

b. Federation of State Massage Therapy Boards (FSMTB)

Adams Johnson reported she would have information in February.

c. National Certification Board for Therapeutic Massage & Bodywork (NCBTMB)

There was nothing to report.

d. Statistics: Examination / Licensing / Administrative Penalties / Renewals / Disciplinary and Non-Disciplinary Information

Chiles provided a listing of the current schools.

Chiles reported the following examination information:

- 2 individuals took and passed the MBLEx examination.

Chiles reported the following regarding active licenses:

- Temporary Massage Therapist 1
- Massage Establishments 564
- Massage Therapists 1408

Chiles reported the following disciplinary actions since the last meeting:

- 2 individuals on probation for 6 months each.
- 1 stipulation.

e. Other

MOTION: Hupka moved, seconded by Allison, to enter into closed session at 1:09 p.m. to hear discussions of an investigational/confidential nature for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Absent: None (0). Motion carried.

MOTION: Hupka moved, seconded by Schmidt, to enter into Open Session at 1:09 p.m. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Absent: None (0). Motion carried.

Hanna Reichart

MOTION: Allison moved, seconded by Hupka, to recommend deferral of the application for additional information. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

10. ELECTIONS AND APPOINTMENTS

a. Officers/Transcript Reviewer/Investigative Consultant/FSMTB Delegate

Per secret ballot, the following were elected/appointed:

Chairperson:	-	Hupka
Vice-Chairperson	-	Adams Johnson
Secretary	-	Allison
Transcript Reviewer:	-	Schmidt
Investigative Consultant	-	Hupka
FSMTB Delegate	-	Hupka

9. ADJOURNMENT

There being no further business, Adams Johnson declared the meeting of the Board of Massage Therapy adjourned at 1:24 p.m.

Respectfully Submitted,

Brian Allison, Secretary
Board of Massage Therapy

Minutes completed by Nancy Herdman, Health Licensing Coordinator